



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,781	04/20/2007	Heino Hamelers	P17248-US1	6589
27045	7590	01/03/2011	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			BEHARRY, NOEL R	
			ART UNIT	PAPER NUMBER
			2478	
			NOTIFICATION DATE	DELIVERY MODE
			01/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/595,781

Applicant(s)

HAMELEERS ET AL.

Examiner

NOEL BEHARRY

Art Unit

2478

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: NONE.
Claim(s) rejected: 19,21-23 and 25-28.
Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2478

/N. B./
Examiner, Art Unit 2478

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues in substance that "the emphasized portions of claim 19, at least "a demand" being present in subscriber data, are not addressed or refuted by the Examiner." The examiner respectfully disagrees. The examiner feels that it has been made clear in numerous actions how the "demand" is taught in the prior art. However, to be clear the examiner has provided the reasoning once again. The Chloe reference teaches in Par. 0028, "if the called party is available, the personalized ring back tone (PRBT) system determines whether the called party is a service subscriber". Chloe further teaches in Par. 0029, "Thereafter, the system 200 determines whether the called party is a subscriber 204...If the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at a participating telephone service provider to retrieve the message settings based on the subscriber's account information stored in the MCP server 205, 206, and 207. The IDC delivers the called party's personalized ring back messages to the calling party's switch 208, so that the calling party hears the ring back message 209." As can be seen from the above cited portion, just as the applicant explains its invention, in Chloe, the "demand" is added to the service subscriber data at the MCP server so when it is determined that the called party is a subscriber, the subscriber data is located, the message settings of the subscriber data is read and the IDC delivers the called party's personalized ring back message to the calling party's switch, so that the calling party hears the ring back message. That is the "demand" as claimed. The "demand" is within the subscriber data that tells the system to deliver the called party's personalized ring back message to the calling party's switch. The applicant states "In the Applicant's invention, the "demand" is added to subscriber data so as to cause the network node, when accessing the subscriber data, to send the multimedia information." This is no different that what was explained above in the Chloe reference Par. 0028-0029 and therefore the claims are properly rejected.

The Applicant further argues in substance that "The Nguyen reference is cited as teaching multimedia information is provided using a packet switched connection. The cited portion of Nguyen discloses routing "...communication requests between various elements...". The Applicant respectfully submits routing messages through a signal transfer point is not the same as sending multimedia information using a packet switched connection." The examiner respectfully disagrees. It should be noted that the applicant is only merely citing a limited portion of the paragraph reference by the examiner. The full sentence of Nguyen Par. 0022 states "For example, SSP 106 communicates with a local signal transfer point (STP). An STP, such as STP 108 in Fig. 1, is a packet switch that routes communication requests between the various elements in AIN 102, including SSP 106 and service control points, such as SCP 110 in Fig. 1." The applicant's claim merely recites "the multimedia information is provided using a packet switched connection" and as can be seen from the Nguyen reference this concept is not new or novel as it is already done and known in the art to transfer information using a packet switched connection.